10/2/13

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES
Anchorage, Alaska
February 21, 2013

Chaired by: Pat Pourchot
Trustee Council Member

Trustee Council Members Present:

Terri Marceron, USFS
• Pat Pourchot, USDOI
Peter Hagen, NMFS *
Jennifer Schorr, ADOL ***
Tom Brookover, ADF&G **
Larry Hartig, ADEC

• Chair
* Peter Hagen alternate for Jim Balsiger
** Tom Brookover alternate for Cora Campbell
*** Jennifer Schorr alternate for Michael Geraghty

The meeting convened by at 9:35 a.m., February 21, 2013 in Anchorage at the Dr. Glenn Olds Hall Conference Room, 4210 University Drive.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the February 21, 2013 agenda as presented.

Motion by Hartig, second by Marceron

2. Approval of September 14, 2012 meeting notes

APPROVED MOTION: Motion to approve the September 14, 2012 meeting notes.

Motion by Hartig, second by Marceron

Public Comment: **none offered**

3. Reporting Policy

APPROVED MOTION: Motion to adopt the revised Reporting Policies dated February 20, 2013.

Motion by Marceron, second by Hartig

4. Document Digitizing Project

APPROVED MOTION: Motion to approve funding $14,388, which includes 9% GA, for FY 2013 to the Alaska Resources Library and Information Services for Phase I of the EVOSTC Document Digitizing Project. The budget does not include indirect costs, as the ARLIS Management Team would receive the funds through ADF&G.

Motion by Hartig, second by Marceron

5. Great Land Trust Proposal

APPROVED MOTION: Motion to approve funding for FY 2013 of $284,866, which includes 9% GA, for the Great Land Trust Proposal to work with willing landowners in the Kodiak, Afognak and surrounding islands and other EVOS-affected areas to facilitate the Council's habitat program.

Motion by Hartig, second by Schorr

6. Torsen Small Parcel (KAP 3000)

APPROVED MOTION: Motion to approve funding of up to $107,600 to US Fish and Wildlife Service for due diligence costs associated with the Torsen parcel (KAP 3000) and to fund the purchase of this parcel, conditioned upon: 1.) if the fair market value established by an appraisal falls within the range of $60,000 - $100,000; 2.) due diligence reports are acceptable to ADNR and ADOL; and 3.) provided that the EVOSTC Executive Director, ADNR and ADOL find that it is in the best interest of the Council to move forward with acquisition of the parcel.

Authorization for funding the purchase of this parcel shall terminate if a purchase agreement is not executed by February 21, 2015.

Motion by Marceron, second by Hartig

Executive Session

Motion to go into Executive Session for discussion with state and federal attorneys regarding potential legal concerns around the proposed NOAA Clean Harbor Projects for the purpose of getting legal advice on the concerns on the projects and how the Council might address those concerns

Motion by Hartig, second by Schorr

Off the record 10:45 a.m.
Executive Session
On the record 11:25 a.m.

7. NOAA Clean Harbor Projects

Cordova Clean Harbor Program, project 13120112-A – defer
Cordova Snow Management Analysis, project 13120112-C – defer

APPROVED MOTION: Motion to defer further consideration and action on Project 13120112-A Cordova Clean Harbor Program and Project 13120112-C Cordova Snow Management Analysis until the Council's next meeting to provide an opportunity for additional effort by the agencies to clarify a process to evaluate the project in light of legal concerns and provide further dialogue with the proponents to resolve the concerns raised by the Science Panel and Science Coordinator

Motion by Hartig, second by Marceron

Clean Boating Activities and Improved Waste Management Using Smartphones and Outreach, project 13120112-B

APPROVED MOTION: Motion to not fund Clean Boating Activities and Improved Waste Management Using Smartphones and Outreach, project 13120112-B

Motion by Marceron, second by Hartig

Landfill Restoration, project 13120112-D

APPROVED MOTION: Motion to not fund the Landfill Restoration project1312112-D

Motion by Marceron, second by Hartig

Oil Water Separation by Superhydrophilic and Superhydrophobic Surfaces, project 13120112-E

APPROVED MOTION: Motion to not fund Oil Water Separation by Superhydrophilic and Superhydrophobic Surface Project 13120112-E. although it may have some interest as a proof and concept type project it doesn't fit well with the projects the Council can legally fund

Motion by Hartig, second by Schorr

Prince William Sound Harbor Cleanup Program, project 13120112

APPROVED MOTION: Motion to defer consideration of Prince William Sound Harbor Cleanup Program, project 13120112 pending resubmission at the Council's next meeting

Motion by Hagen, second by Hartig

8. GoAK Marine Debris Amendment, project 13120116-Am2.21.13

APPROVED MOTION: Motion to approve funding $483,088 which includes 9 percent General Administration for project 13120116-AM2.21.13, Marine Debris Removal Program for fiscal year 2013

Motion by Hartig, second by Marceron

Executive Session

APPROVED MOTION: Motion to go into Executive Session for purposes of conferring with legal counsel regarding legal issues raised in the proposed Koniag stewardship agreement that's been proposed

Motion by Hartig, second by Marceron

Off the record 1:00 p.m.
Executive Session
On the record 1:30 p.m.

9. Koniag Conservation Easement

APPROVED MOTION: Motion to direct the Council staff and legal counsel to take necessary actions to amend the Koniag conservation easement and related agreements, an amendment to provide Koniag the ability to unilaterally terminate the conservation easement and related agreements. Notice must be given by Koniag within 30 days after the next regularly scheduled Council meeting with the termination effective 30 days after notification of the termination. If Koniag terminates the conservation easement and related agreements, the annual payment for 2013 would be reduced on a pro rata basis. (transcript pgs 63-64)

Motion by Hartig, second by Marceron

10. Cordova Center

APPROVED MOTION: Motion to authorize funding of 1.3 million additional funds for the Cordova Center on the terms of our original authorization of funding with the following contingencies. 1.) That our overall funding of the project doesn't exceed more than one-third of the construction costs. 2.) That there would not have been a change in the allocation of space such that there would be less space to be used for EVOS purposes than in the original funding resolution. 3.) That none of the additional funds being authorized in this motion be disbursed unless and until Department of Law and Department of Justice have confirmed to their satisfaction that the City of Cordova has firm commitments for the remaining two-thirds of funding needed to complete the project beyond our one-third. 4.) That the City of Cordova agree not to approach the Trustee Council for additional funding.

Motion by Hartig, second by Marceron

Off the record 2:10 p.m.